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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,438

07/26/2001

Rabindranath Dutta

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EXAMINER

O'CONNOR, GERALD J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

OFFICE ACTION

Reply to Prior Office Action is Non-Responsive

1. The reply filed timely on March 20, 2006 is not fully responsive to the prior Office action, mailed March 1, 2006, because it fails to correct all of the defects identified in that Notification of Non-Compliant Appeal Brief under 37 CFR 41.37. The previously identified defects which continue to remain uncorrected are repeated in the notice of defective appeal brief below

2. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant (1) corrects the deficiencies and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the previous Office action. A fully responsive reply must be timely filed in order to avoid abandonment of this application.

Notice of Defective Appeal Brief

3. The revised Appeal Brief, filed on March 20, 2006, remains defective for at least the following reason(s):

- I. The brief does not contain a *correct* statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)). (States “issues for appeal,” rather than “grounds of rejection.”)

- II. The brief does not present an argument under a separate heading for each *correctly stated* ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
(States “issues for appeal,” rather than “grounds of rejection.”)
- III. Arguments vis-à-vis 35 U.S.C. 132 are not reviewable by appeal (i.e., must be entirely removed from the appeal brief).
- IV. The appeal cannot proceed, thus no appeal brief should be resubmitted, until the pending petition filed by applicant under 37 CFR 1.144 has been decided by the Office or withdrawn by applicant. (Status of claims and grounds of rejection are uncertain/unknown.)

Conclusion

4. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300.** Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

May 18, 2006



5/18/06

Gerald J. O'Connor
Primary Examiner
Group Art Unit 3627